

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER BLACK.,

Plaintiff,

Case No. 18-cv-10965

Hon. Matthew F. Leitman

v.

CITY OF DETROIT, *et al.*,

Defendants.

/

ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANTS' RENEWED MOTION FOR PARTIAL
SUMMARY JUDGMENT (ECF No. 54.)

On July 13, 2021, the Court held a hearing on Defendants' Renewed Motion for Partial Summary Judgment. (*See* Mot., ECF No. 54.) The Court then held a Status Conference on July 21, 2021, to further discuss and clarify the scope and extent of its ruling. For the reasons stated on the record on both July 13, 2021, and July 21, 2021, the motion is **GRANTED** in part, and **DENIED** in part, as follows:

- Summary judgment is **GRANTED** in favor of all of the individual Defendants other than Defendant Hebner with respect to Plaintiff's claim that excessive force was used against him in violation of his rights under the United States Constitution.
- Summary judgment is **GRANTED** in favor of all the individual Defendants with respect to Plaintiff's claim that his federal constitutional rights were

violated by Defendants' failure to intervene to stop and/or prevent the application of force against Plaintiff.

- Summary judgment is **GRANTED** in favor of all of the individual Defendants with respect to Plaintiff's claim that his right to substantive due process under the United States Constitution was violated.
- Summary judgment is **GRANTED** in favor of Defendant City of Detroit with respect to Plaintiff's failure to train claim (the only claim brought against the City).
- Summary judgment is **DENIED** with respect to Plaintiff's claim that Defendants Hebner and Moreau violated his rights under the United States Constitution by being deliberately indifferent to his serious medical needs. (Hebner and Moreau are the only Defendants named in this claim.)
- Summary judgment is **DENIED** with respect to Plaintiff's gross negligence claim against all of the individual Defendants under Michigan law.

The following claims (and only the following claims) remain for trial:

- Plaintiff's claim that Defendant Jacob Hebner used excessive force against him in violation of the United States Constitution.
- Plaintiff's claim that Defendants Hebner and Moreau violated his rights under the United States Constitution by being deliberately indifferent to his serious medical needs.

- Plaintiff's gross negligence claim against all of the individual Defendants.

This case will now be referred to a United States Magistrate Judge for a settlement conference. If the case does not settle at the conference, then the Court will permit the individual Defendants to move for summary judgment on Plaintiff's gross negligence claim under Michigan law.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: July 21, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 21, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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